



Cornell University Student Assembly

Originally Presented on:	(4/12/2018)
Type of Action:	TYPE: Legislation
Status/Result:	New Business

1 S.A. Resolution #44
2 Clarifying the Results of the 2018 Presidential Race
3

4 **ABSTRACT:** This resolution confirms that the Judicial Codes Counselor has the authority to
5 overturn the Elections Committee’s decision to disqualify Varun Devatha and declares that the
6 Office of the Assemblies must release the votes in the Presidential race, thereby determining the
7 next Student Assembly President.
8

9 Sponsored by: Gabe Kaufman ‘18, Debbie Nyakaru ‘20, Daniel Engelson ‘18

10 **Whereas**, according to Article III, Section I of the Student Assembly Charter, “the SA will have authority
11 over its own policies and operations.”

12 **Whereas**, the Student Assembly Elections Committee is a committee of the Student Assembly;

13 **Whereas**, the Student Assembly has authority over the operation of the Elections Committee;

14 **Whereas**, the Student Assembly strongly affirms the importance of an independent, unbiased, Elections
15 Committee and fair, democratic elections;

16 **Whereas**, Varun Devatha appealed, to the Judicial Codes Counselor, the SA Elections Committee’s decision
17 to disqualify the candidate;

18 **Whereas**, due to ambiguous language, statements made by current SA members, and a lack of precedent, the
19 SA Elections Committee interpreted the Elections Rules as granting the SA Elections Committee the power
20 to overturn the Judicial Codes Counselor’s decisions based on the following two sub-sections:

21 Article II Section E, Subsection 8.3: “If a disqualified candidate finds that the Elections Committee
22 was biased in their application of the rules, they may request a review by the Judicial Codes
23 Counselor (JCC). If the JCC review finds that the application of the rules was biased, the decision of
24 the Elections Committee may be overturned” and thus the Elections Committee determined that the
25 implied subject of the passive subjunctive “may be overturned” is the Elections Committee itself
26 rather than the JCC,

27 Article II, Section E, Subsection 9: “The determination of the committee after expiration or
28 resolution of requests for reconsideration shall be final,” led the committee to believe that the SA
29 Elections Committee could make a final determination, overturning the Judicial Codes Counselor’s
30 decision.

31 **Whereas**, when the Elections Rules are ambiguous, the Student Assembly has the authority to interpret the
32 governing document based on the original intent, meaning, and reasonableness of the Elections Rules;

33 **Whereas**, interpreting the rules in this way so as to supply the Elections Committee itself as the implied
34 subject responsible for overturning its own decisions contradicts the original intent, meaning, and a
35 reasonable interpretation of what was clearly intended to be an independent appeal of the Elections
36 Committee’s decisions;

37 **Whereas**, email evidence from the Office of the Assemblies, and two former Directors of Elections who
38 drafted Article II, Section E, Subsection 8.3, confirms that “The JCC would be charged with being the
39 institutional ‘check’ [on] the SA Elections Committee” and that:

40 **“The JCC may either uphold the decision of the Elections Committee or overturn it.”**

41 To this email, the Director of Elections (2015-2016) responded **“That’s [sic] sounds exactly [like]**
42 **what I was hoping for.”**

43

44 **Whereas**, according to Article II, Section B, Subsection 5 of the Elections Rules, “The Elections Committee
45 has no power to overrule the election rules under any circumstances.”

46 **Whereas**, in this circumstance, it appears the SA Elections Committee mistakenly overruled the elections
47 rules, which is impermissible;

48 **Whereas**, the Student Assembly Elections Committee acted with the upmost integrity and had no intention
49 of violating any part of the SA Elections Rules; then

50 **Be it therefore resolved**, the Judicial Codes Counselor’s decision was a binding order rather than merely a
51 recommendation, and that, given that the Judicial Codes Counselor overturned the elections committee, the
52 results of the election, as published by the Office of the Assemblies and as declared by the SA Elections
53 Committee, are invalid;

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55 **Be it further resolved**, that Varun Devatha’s disqualification was in fact duly overturned by the Judicial
56 Codes Counselor and the final decision of the JCC is valid and binding;

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58 **Be it further resolved**, SA Elections Committee must recognize and adhere to the determination of the
59 Judicial Codes Counselor when she overturned the SA Elections Committee decision, under Article II,
60 Section E, sub-section 8.3 of the Student Assembly Elections Rules;

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62 **Be if further resolved**, that, given the report offered by the Judicial Codes Counselor, the Office of the
63 Assemblies must release the vote count for the Presidential race;

64

65 **Be it further resolved**, that the winner of the Presidential race is the candidate who received the most votes;

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67 **Be it finally resolved**, that the Student Assembly thanks the members of the SA Elections Committee for
68 their time serving on the Committee this year;

69

70 **Respectfully Submitted,**

71

72 Gabe Kaufman ‘18

73 *Vice President for Finance, Student Assembly*

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75 *(Reviewed by: Executive Committee, 4-0-1, 4/12/2018)*